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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,594	04/13/2001	Martin Philip Usher	11696.0056	5642
27890	7590	03/25/2005	EXAMINER	
STEPTOE & JOHNSON LLP 1330 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036				MILLER, BRANDON J
		ART UNIT		PAPER NUMBER
		2683		

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/833,594	USHER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brandon J Miller	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 February 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 12-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Horrer.

Regarding claim 12 Mitchell teaches a method of forwarding a data message to a vehicle (see col. 5, lines 18-24). Mitchell teaches registering a user's client computer identity as present aboard a vehicle (see col. 6, lines 65-67 and col. 7, lines 11-17). Mitchell teaches receiving a data message intended for the client computer associated with the user's computer identity (see col. 8, lines 58-62 & 65-67 and col. 9, lines 1-5). Mitchell teaches the data message including at least a first address and a data packet, the first address being associated with the user's computer identity (see col. 3, lines 63-67, col. 3, lines 1-7 and col. 7, lines 11-17). Mitchell teaches associating the data packet with a destination address, the destination address representing a wireless node aboard a vehicle (see col. 3, lines 63-67, col. 4, lines 1-5 & 16-18, col. 6, lines 60-62). Mitchell teaches forwarding the data packet to the vehicle consistent with the destination address (see col. 8, lines 58-62, and col. 9, lines 1-5). Mitchell does not specifically teach use of

a cellular telephone. Horrer teaches registering a user's cellular telephone identity as present aboard a vehicle (see col. 2, lines 42-45 and col. 4, lines 64-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the client computer or user computing device in Horrer adapt to include a cellular telephone because a cellular telephone can function as a user computing device and it would allow for improved accessibility to data communications in a substantially enclosed facility.

Regarding claim 13 Mitchell teaches linking the user's client computer identity with the destination address and using the contents of the first address to identify the destination address (see col. 3, lines 65-67, col. 4, lines 1-5, and col. 7, lines 11-17).

Regarding claim 18 Mitchell teaches a data message being configured for transmission through a first type of transmission system; and forwarding occurring through a second type of transmission system different from the first type (see col. 7, lines 19-25 & 34-40 and FIG. 2). Mitchell teaches reconfiguring a data message for transmission over a second type of transmission system (see col. 3, lines 65-67, col. 4, lines 1-7 and col. 7, lines 34-40).

Regarding claim 19 Mitchell teaches a first type of transmission system that is a public switched telephone network (see col. 7, lines 34-37) and a second type of transmission system that is a separate communications network (see col. 7, lines 22-24 & 34-35). Horrer teaches telecommunications network (see col. 2, lines 44-49).

Regarding claim 20 Mitchell and Horrer teach a device as recited in claim 18 except for a data packet that is originally configured for transmission over a cellular telephone network for display by a cellular telephone handset, and reconfiguring the data packet for transmission over a telecommunications network for display by a display mounted in the vehicle. Mitchell does

teach a data packet that is reconfigured for transmission over a telecommunications network (see col. 3, lines 65-67, col. 4, lines 1-7 and col. 7, lines 34-40). Mitchell does teach a data message for display by a display mounted in the vehicle (see col. 11, lines 66-67 and col. 12, lines 1-4). Horrer does teach a cellular telephone network and a display for a cellular telephone handset (see col. 2, lines 44-49, col. 7, lines 29-30, and FIG. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the client computer or user computing device in Horrer adapt to include a cellular telephone display because it would allow for improved accessibility to data communications in a substantially enclosed facility.

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Horrer and Schmid.

Regarding claim 14 Mitchell and Horrer teach a device as recited in claim 12 except for sending an advisory message to the destination address, the advisory message indicating that the data message is available for forwarding to the node and requesting authorization to forward the data message; and receiving, before the associating, an affirmative response to the advisory message. Mitchell does teach a communication that is a data message available for forwarding to a node and forwarding the data message (see col. 8, lines 58-62, and col. 9, lines 1-5). Schmid teaches sending an advisory alert to the destination address, the advisory alert indicating that a communication is available to the node; and receiving, before associating, an affirmative responsive to the advisory alert (see col. 6, lines 53-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include sending an advisory message to the destination address, the advisory message indicating that the data message is available for forwarding to the node and requesting authorization to forward the

data message; and receiving, before the associating, an affirmative response to the advisory message because this would allow for improved notification and retrieval of data messages.

Regarding claim 15 Mitchell, Horrer, and Schmid teach a device as recited in claim 14 except for receiving at least a voice authorization to forward the data message. Mitchell does teach a communication that is a data message available for forwarding (see col. 8, lines 58-62, and col. 9, lines 1-5). Schmid does teach determining the availability of a user before forwarding a communication (see col. 6, lines 50-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the availability determination adapt to include at least receiving a voice authorization because an availability determination can be made using a voice authorization and it would allow for secure retrieval of data messages.

Regarding claim 16 Mitchell, Horrer, and Schmid teach a device as recited in claim 14 except for receiving at least a coded authorization to forward the data message. Mitchell does teach a communication that is a data message available for forwarding (see col. 8, lines 58-62, and col. 9, lines 1-5). Schmid does teach determining the availability of a user before forwarding a communication (see col. 6, lines 50-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the availability determination adapt to include at least receiving a coded authorization because an availability determination can be made using a coded authorization and it would allow for secure retrieval of data messages.

Regarding claim 17 Mitchell, Horrer, and Schmid teach a device as recited in claim 14 except for receiving an affirmative response that comprises receiving at least a destination address. Mitchell does teach receiving at least a destination address (see col. 3, lines 65-67 and col. 4, lines 1-5). Schmid does teach determining the availability of a user and receiving an

affirmative responsive to the advisory alert (see col. 6, lines 50-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving an affirmative response that comprises receiving at least a destination address because this would allow for improved notification and retrieval of data messages.

***Response to Arguments***

Applicant's arguments with respect to claims 12-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sinivaara et al. U.S Patent No. 6,603,967 B1 discloses call routing in a radio system.

Wright et al. U.S. Patent No. 6,173,159 B1 discloses a wireless spread spectrum ground link-based aircraft data communication system for updating flight management files.

Silverman U.S. Patent No. 6,363,248 B1 discloses an intelligent cellular forwarding system.

Taylor U.S. Patent No. 6,643,510 B2 discloses a mobile platform real time availability and content scheduling system and method.

Bastian et al. U.S Patent No. 6,757,712 B1 discloses a communications system for aircraft.

Grabowsky et al. U.S. Patent No. 6,181,990 B1 discloses an aircraft flight data acquisition and transmission system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 19, 2005



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